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MEMBER NJ & NY BARS, N.J. & N.Y.
LL.M. (TAXATION)

By Federal Express

Honorable Richard M. Berman

United States District Court

United States District Court

Southern District of New York

United States Courthouse

40 Centre Street, Courtroom 706

New York, NY 10007

USDC SDNY
DOCUMENT
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DATE FILED: 1/10/06

Adjournd to
2/24/06 @ 9:45. Work
on settlement.

January 9, 2006

MEMO ENDORSED

RECEIVED
JAN 10 2006
CHAMBERS OF
RICHARD M. BERMAN
U.S.D.J.

Re: Constance Van Epps vs. Redcats USA, Inc. [05 Civ. 10757]

Dear Judge Berman:

I am writing in connection with the above referenced case to request an adjournment of the initial pre-trial conference set for January 27, 2006. I hereby respectfully request an adjournment of such conference to Friday, February 24, 2006 at 9:45 a.m.

The complaint in this case was filed on December 23, 2005. On that date, a request for waiver of service of summons was mailed to the defendant's registered agent in accordance with Rule 4(d) of the Federal Rules of Civil Procedure. Defendant is aware of the filing of the Complaint, but has not yet returned the waiver or filed an Answer.

I have had numerous discussions with the defendant's attorney, Ryan M. Poor of Ice Miller, Esqs., since the date of filing of the Complaint and significant efforts have been made by both parties to settle the matter. An adjournment is requested so that the parties may continue negotiations to settle the matter and, if necessary, the defendant may more fully address the issues raised in the Complaint and prepare its Answer.

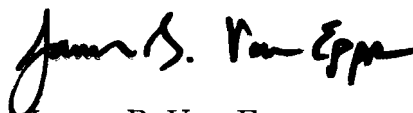
The defendant's attorney has informed me that the defendant consents to an adjournment of the initial pre-trial conference to February 24, 2006 at 9:45 a.m. Please confirm that this date is acceptable for the conference.

Honorable Richard M. Berman
January 9, 2006

Page 2

Thank you for your kind consideration of this request.

Sincerely yours,



James B. Van Epps

cc: Ms. Constance Van Epps

Ryan M. Poor, Esq. (by email only)
Ice Miller